

Practical Guidance

Planning for Ancient Woodland

Planners' Manual for Ancient
Woodland and Veteran Trees

October 2017



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for Ancient
Woodland and
Veteran Trees**



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Introduction

Ancient woodland and veteran trees are irreplaceable. But it is still possible to undertake high quality development that respects and responds to the precarious nature of our ancient woods and trees.

This document covers a comprehensive range of issues relating to ancient woodland, veteran trees and planning.

We have included the latest clear, workable and accepted definitions of ancient woodland habitats and veteran trees. It also comprises our key recommendations for development in and around those irreplaceable habitats, and useful policy and technical references to support the recommendations.

The manual has been deliberately set out to provide Local Planning Authorities (LPAs) with material that they can use to prepare their own Local Plan, Supplementary Planning Documents and Technical Guidance Notes, or for inclusion in other tree, biodiversity or green infrastructure strategies or guidance on landscape character and design. It will also be useful to local groups who wish to promote the value of ancient woodland and aged or veteran trees in their neighbourhood plan.

It also provides guiding principles to support good practice in the formulation and design of development proposals. Examples of good practice which elaborate on these

principles should be used to help avoid or mitigate adverse effects. Promotion and appropriate adoption of such policies, principles and practice can help provide clarity for the LPA, the community which it serves and developers.

We recognise that each LPA must take account of their own specific local circumstances and hence tailor the information to meet their needs.

The Woodland Trust will be happy to work with you to create locally bespoke solutions for your area's individual characteristics and requirements. A MS Word version of this document is available.

For further information and support, please contact **GovernmentAffairs@woodlandtrust.org.uk** or telephone **0330 333 3300**.

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National Policy

The National Planning Policy Framework (NPPF) (paragraph 118¹) states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity” and to do this “planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

Due to their historic significance, under Section 12 of the NPPF², LPAs may also consider veteran trees, and wood-pasture and parkland, as heritage assets. The NPPF (Section 12) makes clear that developers need to “record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact”, and to make this evidence publicly accessible.

What is ancient woodland?

The NPPF defines ancient woodland as:

“An area that has been wooded continuously since at least 1600 AD”.

It includes:

- Ancient semi-natural woodland (ASNW) – mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
- Plantations on ancient woodland sites (PAWS) – areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually with species not native to the site.
- Ancient wood-pasture and historic parkland. Many have not been included in the Ancient Woodland Inventory because their low tree density meant that they didn't register as woodland on historical maps.



Wood-pasture

Natural England and the Forestry Commission's 'Standing Advice'³ for planning authorities notes that: *“Wooded continuously doesn't mean there has been a continuous tree cover across the entirety of the whole site. Open space, both temporary and permanent, is an important component of woodlands and especially wood-pastures and parkland”.*

Ancient woodland is irreplaceable. It is our richest wildlife habitat, having developed over centuries, and contains a high proportion of rare and threatened species, many of which are dependent on the particular conditions that this habitat affords. For this reason, ancient woods are reservoirs of biodiversity, and because the resource is limited and highly fragmented, they and their associated wildlife are particularly vulnerable to development-induced changes.

Their long continuity and lack of disturbance means ancient woods are often also living history books, preserving archaeological features and evidence of past land use, from earthworks to charcoal pits. They are also places of great aesthetic appeal, making them attractive for recreation and the many benefits this can bring in terms of health and well-being.

“England's ancient woodlands and trees represent a living cultural heritage, a natural equivalent to our great churches and castles. They are also our richest wildlife habitat and are highly valued by people as places of tranquillity and inspiration.”⁴

What are Plantations on Ancient Woodland Sites (PAWS)?

Many ancient woodland sites have been felled (in full or in part) and replanted. Such sites are referred to as Plantations on Ancient Woodland Sites (PAWS). Often such sites have been replanted with commercial stands

of timber, such as conifers, so they may not look like an irreplaceable resource. However, much of the value of ancient woodland lies in the soils and many remnants of the ancient habitat remain. Through careful management, PAWS can be restored. Paragraph 021 of the National Planning Practice Guidance⁵ confirms that PAWS should have equal protection to ASNW.

What is wood-pasture and parkland?

Wood-pasture and parkland are areas that have historically been managed by grazing and therefore have a very open structure, often with open grown trees. They may derive from medieval hunting forests, or from wooded commons. Many are also designed landscapes, often associated with big estates dating from the 16th century. They tend to have large trees, many of which are veteran or ancient. A fuller description of the nature and history of these habitats is in the UK Biodiversity Action Plan Priority Habitat Description for Wood-Pasture and Parkland⁶.

Many ancient wood-pastures have lost trees, or they are in poor condition and the land around them damaged by intensive agriculture, especially through cultivation and reseeded or overgrazing. Many species are still reliant on the open-grown and veteran characteristics of the trees and through careful management the trees can be retained and further tree establishment undertaken to provide habitat continuity. The openness of the habitat should not be a justification for proposing development between the remaining features.



Letting in the light.
Restoration work on PAWS at Clanger Wood, Westbury allows native broadleaves to regenerate.

1 DCLG. (2012). *National Planning Policy Framework: Conserving and enhancing the natural environment*. Available at: www.gov.uk/guidance/national-planning-policy-framework/11-conserving-and-enhancing-the-natural-environment
2 DCLG. (2012). *National Planning Policy Framework: Conserving and enhancing the historic environment*. Available at: www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment

3 Forestry Commission & Natural England. (2015). *Ancient Woodland and veteran trees: protecting them from development*. Available at: www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences
4 Defra & Forestry Commission England. (2005). *Keepers of Time: A Statement of Policy for England's Ancient and Native Woodland*. Available at: www.forestry.gov.uk/keepersoftime
5 DCLG. (2016). *National Planning Practice Guidance*. Available at: www.gov.uk/guidance/natural-environment
6 JNCC. (2011). *UK Biodiversity Action Plan Priority Habitat Description: Wood-Pasture and Parkland*. Available at: jncc.defra.gov.uk/pdf/UKBAP_BAPHabitats-65-WoodPastureParkland2011.pdf

What are aged or veteran trees?

The NPPF defines aged or veteran trees as:

“A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally”.

The current Standing Advice adds that aged or veteran trees can be found as individuals or in groups within ancient wood-pastures, historic parkland, hedgerows, orchards, parks or other areas.

Natural England noted (in their Standing Advice 2014 edition, now archived)⁷ that a distinction is sometimes made between ‘ancient’ and ‘veteran’ trees: *“A tree can be a veteran without necessarily being very old, so if a tree has the physical characteristics of an ancient tree but is not ancient in years compared with others of the same species, it is classed as veteran but not ancient. The term ‘ancient’ is applied specifically to trees that are ancient in years. The number of years required to attain ancient status could vary according to the tree species, climate, soil type, and other factors that influence the growth rate and longevity of trees.”*

The archived 2014 Standing Advice also notes veteran trees are highly valued for:

- the sense of inspiration, fascination, and awe they instil in people when faced with a living plant that is older than many human generations;
- their importance as a repository of genetic information from many centuries past;
- the many habitat niches they provide – especially the dead wood found in living trees;
- their role in providing local distinctiveness, structure and interest to landscapes;
- the historical and cultural links they provide to past generations and communities.

Key recommendations

Provide clear Local Policy guidance

Ensure local planning documents contain sufficient clarity and detail on the protection of ancient woodland and veteran trees to provide certainty for all involved.

Provide definitions

Provide clear definitions for ancient woodland and veteran trees to avoid any misunderstanding.

Provide guiding principles

Apply the following principles to guide both site selection and the subsequent design of development:

- Avoid harm
- Provide unequivocal evidence of need and benefits
- Provide biodiversity net gain

Encourage good practice

When preparing development proposals follow established good practice for site assessment and design:

- Establish likelihood and identify types of impact
- Implement appropriate and proportionate mitigation and compensation
- Provide adequate buffers
- Provide adequate evidence to support planning proposals

Niall Benvie/WTML



Ancient tree at Glen Finglas, Scotland

Recommended Local Policy approach

While local and neighbourhood plans cannot contradict national policy, they may take the opportunity to elaborate on it to meet local needs in accordance with the latest evidence. In February 2017, the Government indicated its desire to increase protection for ancient woodland and aged or veteran trees through the Housing White Paper.

The Communities and Local Government (CLG) Select Committee (December 2014)⁸ also suggested modifications to the NPPF and these, along with the Standing Advice, have been used to inform the following recommended policy wording:

Recommended policy wording

Ancient woodland, veteran trees and development

- i. Loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees found outside ancient woodland, resulting from development proposals should be wholly exceptional.
- ii. Where ancient wood-pasture and historic parkland are identified they should receive the same consideration as other forms of ancient woodland.
- iii. Where development proposals may affect ancient woodlands, veteran trees and their immediate surroundings, the following principles shall be used to guide the design of development:
 - Avoid harm
 - Provide unequivocal evidence of need and benefits of proposed development
 - Provide biodiversity net gain
 - Establish likelihood and type of any impacts
 - Implement appropriate and adequate mitigation and compensation
 - Provide adequate buffers
 - Provide adequate evidence to support proposals
- iv. As ancient woodland and aged or veteran trees are irreplaceable, discussions over possible compensation should not form part of the assessment to determine whether the benefits of the development proposal outweigh the loss.

⁷ Forestry Commission England & Natural England. (2014). *Standing Advice for Ancient Woodland and Veteran Trees*. Available at: [www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/\\$file/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf](http://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/$file/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf)

⁸ House of Commons. (2014). *Operation of the National Planning Policy Framework Fourth Report of Session 2014–15*. Available at: www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/190.pdf

Local Policy justification and existing adopted policies

This recommended policy is also consistent with *Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services* (2011)⁹. This sets out the government's ambition to halt overall loss of England's biodiversity by 2020, support healthy, well-functioning ecosystems, and establish coherent ecological networks, for the benefit of wildlife and people. The Natural Capital Committee's First Report¹⁰ notes that ancient woodland cannot be replaced and states: "When thinking about natural capital, wild species and habitats require special treatment that reflects their irreplaceability".

These Local Plan policies aim to avoid harm to ancient woodlands and veteran trees:



Hedgerows should be afforded the same level of consideration as trees and woods in local plan policies.

Judith Parry/WTML

Dudley Borough Development Strategy¹¹, adopted March 2017

Policy S22: Mature Trees, Woodland and Ancient Woodland

Development which would adversely affect Ancient Woodland and Ancient Trees will not be permitted, and measures will be taken to restore these areas, and where appropriate, expand them with new complementary planting, particularly to encourage linked woodland areas.

In addition, the Council will ensure that other woodland as well as ancient, notable or veteran trees are protected and will seek to encourage the appropriate management of existing trees and woodland, and additional tree planting.

Where trees are affected by development, applicants will be required to provide full details of any impact. Proposals involving the loss of mature and semi-mature trees will normally be required to include replacement tree planting.

The Council will require that native species of local provenance are used in planting and landscaping wherever possible. A list of suitable species can be found in Dudley Council's adopted Nature Conservation SPD.

South Ribble Local Plan¹² (2012 – 2026), adopted July 2015

Policy G13: Trees, Woodlands and Development

- a. Planning permission will not be permitted where the proposal adversely affects trees, woodlands and hedgerows which are:
 - i Protected by a Tree Preservation Order (TPO);
 - ii Ancient Woodlands including individual ancient and veteran trees and those defined in Natural England's inventory of ancient woodlands;
 - iii In a Conservation Area; or
 - iv Within a recognised Nature Conservation Site.
- b. There will be a presumption in favour of the retention and enhancement of existing tree, woodland and hedgerow cover on site;
- c. Where there is an unavoidable loss of trees on site, replacement trees will be required to be planted on site where appropriate at a rate of two new trees for each tree lost;
- d. Tree survey information should be submitted with all planning applications, where trees are present on site. The tree survey information should include protection, mitigation and management measures;
- e. Appropriate management measures will be required to be implemented to protect newly planted and existing trees, woodlands and/or hedgerows.



Fragmented woodland with unbuffered development at Pencoedtre Wood, Vale of Glamorgan.

Vale of Glamorgan Council

Guiding principles

The following three principles have been compiled from Standing Advice and professional good practice, and should guide both site selection and the subsequent design of development.

PRINCIPLE 1: Avoid harm – can the proposed development go elsewhere?

Development should be designed to avoid the loss of, or in the case of adjacent development, detrimental impact on, ancient woodland, wood-pastures, historic parkland and aged or veteran trees.

Government policy on ancient woodland (*Keepers of Time*, 2005 and re-endorsed in 2013)⁴ states:

"The existing area of ancient woodland should be maintained

and there should be a net increase in the area of native woodland".

The Standing Advice instructs LPAs to use the Assessment Guide¹³, published by Natural England and the Forestry Commission. The first question planning authorities are asked to consider is:

"Is the site of the ancient woodland the only possible place for this proposal? Does it have to be on the ancient woodland site (i.e. is it location dependent) or can it go anywhere else?"

9 Defra. (2011). *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*. Available at: www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services

10 Natural Capital Committee. (2013). *The State of Natural Capital*. Available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/516707/ncc-state-natural-capital-first-report.pdf

11 Dudley Metropolitan Borough Council (2017). *Dudley Borough Development Strategy*. Available at: www.dudley.gov.uk/resident/planning/planning-policy/local-plan/devstrat/

12 South Ribble Borough Council (2015). *Local Plan (2012 - 2026)*. Available at: www.southribble.gov.uk/sites/default/files/Adopted%20Version%20July%202015.pdf

13 Forestry Commission & Natural England. (2015). *Ancient Woodland and Veteran Trees: Assessment Guide to potential impacts in relation to planning decisions*. Available at: [www.forestry.gov.uk/pdf/150330AWAssessmentGuide2.pdf/\\$FILE/150330AWAssessmentGuide2.pdf](http://www.forestry.gov.uk/pdf/150330AWAssessmentGuide2.pdf/$FILE/150330AWAssessmentGuide2.pdf)

Case study

The avoidance of harm

Gray Wood, East Hoathly

Appeal Reference: APP/C1435/A/14/2219799

Decision date: 23 March 2015

This application included proposals for eight camping pitches, provision of site warden's accommodation, toilet and shower facilities, and seasonal parking for use of the site as a campsite from 1 June to 30 September. The application was refused by Wealden District Council.

The subsequent appeal was dismissed. This case provides a good example of where an inspector clearly assessed and took into account the potential impact of the development on ancient semi-natural woodland. This is clear in the inspector's conclusion, which states:

"Taking account of all matters, including the letters of support for the appellant and his proposal, I have concluded that there is not need for the campsite and that the limited benefits arising from the proposals would not outweigh the potential deterioration of the ASNW that I have identified".

Case study

The influence of political will in development management

Sports Complex, University Of Nottingham

Nottingham City Council Planning Reference: 14/02540/PFUL3

Decision date: 25 February 2015

This application involved proposals for a new sports centre, following partial demolition of the existing facility, with associated vehicular access, car park and other works.

This application initially went to committee with a recommendation for approval. It was refused with a vote of seven councillors to six, on the grounds that it would require the removal of three veteran oak trees, each at least 150 years old. The application was subsequently resubmitted with revised plans moving the proposal nine metres to the south east, saving all three trees.

PRINCIPLE 2: Establish unequivocal evidence of need and benefits

If development is likely to harm ancient woodland or veteran trees, unequivocal and credible evidence should be prepared to justify the exceptional need and benefits. Simply restating a national drive for housing, or need for new transport infrastructure, does not constitute exceptional circumstances.

The Standing Advice reminds planners that *"As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal."*

Since ancient woodland covers less than 3% of England's land mass, the country's development needs can be fully delivered without negatively impacting ancient woodland or veteran trees.

PRINCIPLE 3: Provide biodiversity net gain

"Biodiversity net gain" requires development that leaves biodiversity in a better state than before. Impacts on irreplaceable habitat always results in net loss. These impacts cannot be offset elsewhere. Where ancient woodland or veteran trees are lost or damaged there will always be net loss of biodiversity and it is impossible to secure net gain.

Biodiversity enhancement is supported in paragraphs 109, 117 and 118 of the NPPF¹⁴, and an explanation of how to achieve net gain is provided in *Biodiversity Net Gain*¹⁴.



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Ancient woodland damaged by camping activities.



Edward Parker/WTML

Ancient woodland

¹⁴ CIEEM, CIRIA & IEMA. (2016). *Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments*. Available at: www.cieem.net/biodiversity-net-gain-principles-and-guidance-for-uk-construction-and-developments

Edge effects: the impact on ancient woodland

Ancient woodland

HOUSING

- Increase in hard surfaces and associated run-off
- Change to local hydrology
- Increased recreational pressure
- New informal access points
- Predation and disturbance from domestic pets
- Gardens extended into woodland
- Introduction or spread of non-native garden species
- Fly-tipping
- Fragmentation

INTENSIVE AGRICULTURE

- Soil erosion
- Chemical drift from spraying fertilisers and herbicides
- Over-grazing and trampling
- Polluted water courses from run-off and effluent
- Airborne pollution from intensive livestock or poultry units
- Fragmentation

INAPPROPRIATE FORESTRY OPERATIONS

- Fragmentation
- Soil erosion
- Noise pollution

ROADS/LINEAR INFRASTRUCTURE

- Fragmentation and isolation from the wider environment
- Chemical run-off e.g. road salts
- Air pollution
- Noise pollution

INDUSTRIAL DEVELOPMENT

- Risk of water-borne pollution
- Air pollution
- Dust deposits
- Disturbance
- Fragmentation
- Invasion by non-native plant species

PLANTED BUFFER STRIP

- Protects ancient woodland from damaging edge effects
- Recreation opportunities
- Biodiversity opportunities

CAMPSITE

- Recreation pressure
- Collection of deadwood for firewood
- Disturbance by dogs
- Anti-social behaviour
- Removal/damage of ancient trees
- Trampling
- Light and noise pollution
- Fragmentation

QUARRY

- Changes to local hydrology
- Noise pollution
- Light pollution
- Dust deposits
- Vibration
- Fragmentation

GOLF COURSE

- Heavy use of herbicides and fertilisers
- Removal of overhanging branches
- Fragmentation

Further reading

Ryan, L. (2012). Impacts of Nearby Development on Ancient Woodland - Addendum. Available at: www.woodlandtrust.org.uk/mediafile/100168353/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf

Corney, P.M. et al. (2008). Impacts of Nearby Development on the Ecology of Ancient Woodland. Available at: www.woodlandtrust.org.uk/mediafile/100168350/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland.pdf

Case study

When compensation measures are inadequate to address harm

Forest Pines Hotel Golf and Country Club, Broughton, Lincolnshire

Appeal reference: APP/Y2003/A/09/2101852

Decision date: 1 April 2010

This inquiry concerned a change in use of woodland into a golf course, resulting in the direct loss of 33 hectares of PAWS. The Inspector considered that the irreplaceable nature of the woodland outweighed the value of the compensatory measures being proposed:

“Clearly, the value of ancient woodland is that it is ancient. The complex interrelationships between plants, animals, soils, climate and people have developed over centuries and, for that reason, the habitat is practically irreplaceable.

I consider that the direct and indirect effects of the scheme would severely damage that woodland. I doubt that these woods would necessarily suffer significant and continual decline in the absence of the proposed development and any deterioration likely would not compare with the irreplaceable loss entailed by the scheme... I do not accept that the management of the woods that would remain or the creation of new and radically different habitats would compensate for the loss and fragmentation of this ancient woodland”.

Appeal decision support for net gain and recognition that protection should not be dependent on quality or condition.

Considering, with reference to Natural England’s Standing Advice for ancient woodland, that there is no policy distinction between ‘semi-natural ancient woodland’ and a ‘plantation on an ancient woodland site’, the Inspector also highlighted the need for planning measures to ensure the appropriate management of ancient woodland:

“...in policy terms, the protection afforded to ‘ancient woodland’ would appear to be independent of its ‘quality’ or species richness. This stance is reinforced by the Standing Advice from Natural England. Not only should Core Strategies provide strict protection for ‘ancient woodland’, but also such protection for that ‘irreplaceable resource’ should include management measures to maintain and enhance its special character”.

Case study

Recognition of the status and importance of PAWS

Northside Copse (Lake House), Fernhurst, Kent

Decision date: 24 July 2013

Appeal reference: APP/Y9507/A/12/2173809

This inquiry involved a proposal for a single large dwelling within part of an ancient woodland. Considering whether the need for a development outweighs the loss of ancient woodland, the Inspector maintained that small incursions into ancient woodland are unacceptable:

“Impacts on the AW caused by the proposal would include the direct loss of flora and irreplaceable ancient soils and a substantial change in the character of the woodland arising from the development and its ancillary services. Whilst the Appellants have suggested that this would be only a small proportion of the woodland identified as AW, the NPPF considers any loss to be unacceptable”.



Nicoll Benvie/WTML

Good practice

Development proposals should follow established good practice for site assessment and design and should:

- Establish likelihood and identify types of impact
- Implement appropriate and proportionate mitigation and compensation
- Provide adequate buffers
- Provide adequate evidence to support planning proposals

Establishing likelihood of impacts

Refer to Natural England’s Ancient Woodland Inventory (AWI)¹⁵, recorded on Natural England’s MAGIC database¹⁶, to identify the presence of ancient woodland on or near to a proposed development site. For priority wood-pasture and parkland consult this layer in the MAGIC database.

The inventories (AWI, Priority Wood-pasture and Parkland) can never be fully comprehensive; new evidence may come to light that confirms a wood or parkland as ancient that has not previously been recorded on the AWI or MAGIC. Absence does not therefore mean a site is not ancient. Natural England should be contacted if evidence arises to suggest that a site could be ancient.

Ancient woods less than 2 hectares in area, and wood-pastures and parkland, were not originally recorded systematically on the AWI. Development affecting small woodland or wood-pasture and parkland sites should be subjected to archive and map study, and field survey. Any woods found to be ancient should be added to the inventories by contacting Natural England with the relevant evidence.

NOTE In some counties of south-east England sites as small as 0.5 ha have been surveyed for the AWI. The results can be found in a Natural England review¹⁷, and the methodology outlined in that document can be followed by planning authorities wishing to refine the AWI in their area.



Illustrative extract from Natural England’s MAGIC database

natureonthemap.naturalengland.org.uk/

Case study

An appeal decision supporting use of Ancient Woodland Inventory

Northside Copse (Lake House), Fernhurst, Kent

Decision date: 24 July 2013

Appeal reference: APP/Y9507/A/12/2173809

This inquiry involved a proposal for a single large dwelling within part of an ancient woodland. In her report, the Inspector made special reference to the importance of the AWI as a tool for policy makers and planners.

“The inventories are an important tool for policy makers and to assist planners in making decisions about development. Accordingly, it was an important tool for the Authority when it considered the application the subject of this appeal.

...given that the definition used for AW in NPPF is essentially no different to the one used in the survey which informed the Revised Ancient Woodland Inventory (RAWI), I do not consider that it would be unreasonable for the Authority to rely upon the recently updated RAWI to identify whether a particular woodland meets the NPPF definition or not.”

¹⁵ Natural England. Digital Boundary Sets: Ancient Woodland Inventory (Provisional) for England. Available at: www.gis.naturalengland.org.uk/pubs/gis/tech_aw.htm

¹⁶ Natural England et al. MAGIC: Interactive Mapping at Your Fingertips. Available at: www.natureonthemap.naturalengland.org.uk/

¹⁷ Natural England. (2011). A Review of the Ancient Woodland Inventory in the South East (NERRO42). Available at: publications.naturalengland.org.uk/publication/32032

Will veteran trees be affected?

The first step in establishing whether proposed development is likely to impact veteran trees is to refer to the Ancient Tree Inventory (ATI)¹⁸ to identify their presence on or near to a proposed development site.

More than 160,000 ancient, veteran and notable trees are recorded on the ATI and while the number is growing all the time (trees are still being actively recorded), it is not comprehensive. Therefore a full tree survey (in accordance with guidance in the BSI Standards publication *BS 5837 Trees in relation to design, demolition and construction*¹⁹) is required for development sites. If any trees are identified to be ancient, veteran or notable, applicants and LPAs should ensure these are added to the ATI. Ancient and veteran trees outside ancient woodland, along with wood-pasture and parkland, should be classified as "A3" according to *BS 5837* (see table, page 17). Furthermore, it is our view that all trees within priority habitat such as ancient woodland would be classified as A3 even if not individually ancient or veteran (including dead trees).



Ancient ash tree

Kath Owen/WTML

Identifying types of potential impacts

In addition to 'direct impacts' leading to the actual damage or loss of ancient woodland or veteran trees, consideration should also be given to 'indirect impacts'; these can also result in significant harm.

Development may result in one or more indirect impact and are not mutually exclusive.

See pages 12 and 13 for more detail on types of development and potential impacts.

Development types and indirect impacts

Development Type	Potential Effects
Housing	Chemical effects Disturbance, including: <ul style="list-style-type: none"> • noise • vegetation clearance • light and dust pollution • trampling • grazing Habitat and landscape fragmentation Invasion by non-native plant species Impacts from domestic pets (e.g. cats) Reducing the amount of semi-natural habitats next to ancient woodland Changes to the water table or drainage Damaging activities like fly-tipping Changes to surrounding landscape character Cumulative effects
Transport	
Commercial and industrial development	
Intensive livestock units	
Energy generation and transmission	
Quarrying and mineral extraction	
Waste disposal	
Leisure and sports	
Military activity	
Water management	
Permitted development	
Cumulative development	

A comprehensive review of indirect impacts on ancient woodland is provided by the Woodland Trust^{20 21}.

Christine Byrne/WTML



Oaken Wood, an ancient woodland in Maidstone, Kent, encroached upon by Hermitage Quarry in the foreground.

Jill Butler/WTML



Inappropriate parking at Chatsworth International Horse Trials causing compaction in parkland.

¹⁸ The Woodland Trust. *Ancient Tree Inventory*. Available at: www.ancient-tree-hunt.org.uk/discoveries/interactivemap/

¹⁹ British Standard. (2012). *BS 5837:2012 Trees in relation to design, demolition and construction - recommendations*. Available at: www.britishstandard.org.uk/pub/bs-58372012-9780580699177.aspx

²⁰ Corney, P.M. et al. (2008). *Impacts of Nearby Development on the Ecology of Ancient Woodland*. Available at: www.woodlandtrust.org.uk/mediafile/100168350/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland.pdf

²¹ Ryan, L. (2012). *Impacts of Nearby Development on Ancient Woodland - Addendum*. Available at: www.woodlandtrust.org.uk/mediafile/100168353/Impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf

The economic benefits of woodland

A research report by Europe Economics²² considers and quantifies a wide range of benefits associated with trees and woodlands. These benefits include: business goods (e.g. timber); flood management; improving water quality; landscape and aesthetics; climate change mitigation; health (e.g. improvements to air quality and recreation); and safeguarding biodiversity for future generations.

The report concludes that, while it may be an underestimate (because some benefits will have been missed or undervalued), the approximate aggregate value of UK woodland is over £250bn. However, the broad range and nature of the benefits associated with woodlands often means that their full value is not understood and reflected in important decisions.

Therefore, in assessing any project, policymakers should consider whether woodland, existing or potential, might provide a range of benefits that are not obvious, but could be of profound importance to the community and of more value in the medium to long term than that of a new development proposal.



Veteran tree at Huntly Wood, Perth, Scotland.

Mitigation and compensation

The Chartered Institute of Ecology and Environmental Management (CIEEM)²³ provides a useful reminder of the distinction between the following two terms:

“Mitigation: Measures taken to avoid or reduce negative impacts. Measures may include: locating the development and its working areas and access routes away from areas of high ecological interest, fencing off sensitive areas during the construction period, or timing works to avoid sensitive periods.”

“Compensation: Measures taken to make up for the loss of, or permanent damage to, ecological features despite mitigation. Any replacement area should be similar in terms of biological features and ecological functions that have been lost or damaged, or with appropriate management have the ability to reproduce the ecological functions and conditions of those biological features.”

If it is decided that the benefits of a development are exceptional enough to outweigh the loss or harm, planning authorities should consider the impacts in terms of what is both:

- **Appropriate** (i.e. what type of mitigation and/or compensation measures are necessary), and;
- **Proportionate** (i.e. adequate in terms of quality and quantity to address the level of harm predicted)

Direct impacts that would lead to damage or loss of ancient woodland habitat or veteran trees must either be avoided or compensated for; there is no appropriate mitigation.

Mitigation

Use carefully designed, appropriate mitigation measures to reduce the effect of indirect impacts. These may include:

- Adhering to BS 5837:2012 to provide adequate tree and root protection
- Non-invasive root investigation for ancient trees and protection beyond the limit of the usual investigative tools
- Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape
- Producing and funding an access management plan for the woodland, and/or providing alternative natural greenspace to reduce additional visitor pressure
- Sympathetic design and use of appropriate lighting to avoid light pollution
- Measures to control noise, dust and other forms of water and airborne pollution
- Woodland restoration – such as in PAWS
- Introduction of sympathetic management for neglected woodlands or trees
- Implementation of an appropriate monitoring plan to ensure that proposed measures are effective over the long term and accompanied by contingencies should any conservation objectives not be met

Provide adequate buffers

A buffer is a landscape feature used to protect a sensitive area from the impact of disturbance both during and after construction. A buffer may:

- Go around the whole area to be protected, or just along one edge
- Be planted with trees or shrubs, or it could be an area of land that the development is not allowed to encroach upon (e.g. a grassy strip)
- Also contain man-made structures such as fences, walls and earthworks (though it must not contain Sustainable Drainage Systems which could impact on the hydrology of the ancient woodland)

Although there is no ‘one size fits all’ with buffer design, each one should be designed to fulfil the specific requirements of its location and the type of proposed development.

As a precautionary principle, a minimum 50 metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. A larger buffer may be required for particularly significant engineering operations, or for after-uses that generate significant disturbance.

The preferred approach is to create new habitat, including native woodland, around existing ancient woodland. This will help reverse the historic fragmentation of this important habitat. The consequent increase in ecological connectivity between areas of ancient woodland will create the resilient landscapes recommended in Making Space for Nature published by Defra (2010)²⁴.

Case study

Provide 50 metre buffers

Reffley Wood – Kings Lynn and West Norfolk Council Site Allocations and Development Management Policies 2016.

During the consultation process on their Local Plan, Kings Lynn and West Norfolk Councils agreed that a 50 metre buffer was needed to protect ancient Reffley Wood from the impacts of future housing development. They continued this approach in their site allocations and development management policies (see Policy 4.1) when they allocated the neighbouring Knights Hill site.

This policy was applied in a subsequent planning application for a major housing scheme (reference: 16/02231/OM) that accepted and included a 50 metre buffer in its proposals. This shows the value of strong, effective planning policies in delivering real protection for ancient woodland and providing improved biodiversity and recreational opportunities as part of a scheme.



Unlawful access in to woodland from adjacent residential property

Case study

Provide 100 metre buffers

The Wiltshire Core Strategy²⁵, adopted in January 2015, sets out various requirements for proposed development for the Ashton Park Urban Extension, south east of Trowbridge. On page 354, at the beginning of the section on ecology, it identifies the need for:

“100m woodland/parkland buffer between all ancient woodland, including Biss Wood and Green Lane Wood, and built development.”

22 Europe Economics. (2015). *The Economic Benefits of Woodland*. Available at: www.woodlandtrust.org.uk/publications/2015/03/the-economic-benefits-of-woodland/

23 CIEEM. (2016). *Guidelines for Ecological Impact Assessment in the UK and Ireland*. Available at: www.cieem.net/data/files/Website_Downloads/Guidelines_for_Ecological_Impact_Assessment_2015.pdf

24 Lawton, J. et al. (2010). *Making Space for Nature: A Review of England's Wildlife Sites and Ecological Networks*. Available at: [webarhive.nationalarchives.gov.uk/20130402170324/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf](http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf)

25 Wiltshire Council. (2015). *Wiltshire Core Strategy*. Available at: www.wiltshire.gov.uk/adopted-local-plan-jan16-low-res.pdf

Mitigation for veteran trees

Appropriate mitigation for veteran trees may include:

- Incorporating the tree(s) into open space within the development
- Providing green connectivity between individual trees wherever possible
- Controlling activities that might cause harm such as excavations and/or use of overhead machinery in close proximity to the root protection area (RPA)

Buffers around veteran trees

For veteran trees, where a more precautionary approach is warranted, RPA distances should be greater than the standard buffers stated in BS 5837:2012. The RPA should be a minimum of 15 times the diameter of the tree trunk or 5 metres beyond the canopy, whichever is the greater^{26 27}.



Excavation close to veteran tree

Jill Butler/WTML

Compensation for loss of ancient woodland

Replacement planting

Natural England states that ancient woodland, the product of centuries of habitat continuity and undisturbed soils, is an irreplaceable resource. As such, its loss cannot be compensated for by creating a new woodland – an irreplaceable habitat cannot, by definition, be replaced.

Consequently, where it is deemed that there is going to be unavoidable residual damage or loss to ancient woodland, the measures taken to compensate for this must be of a scale and quality commensurate with loss of irreplaceable habitat. Where ancient woodland is to be replaced by new woodland, this should aim to create 30 hectares of new woodland for every hectare lost. In commenting on the proposals for the new HS2 rail link, Natural England has supported a 30:1 ratio²⁸, stating:

“... a commitment to such a ratio would be a clear statement by HS2 Ltd that it recognises the critical importance of ancient woodland and the scale of newly created woodland provided would leave a positive legacy for the natural environment and for the communities along its route. It would also make a significant contribution to the [sic] delivering the recommendations of the Lawton report and set the standard for future projects (Lawton et al., 2010)”.

Habitat and soil translocation

Compensation proposals for the loss of ancient woodland often include suggestions to move or ‘translocate’ the soil, or even individual trees (as coppice stools), from the ancient woodland to a new receptor site where woodland creation is proposed. However, translocation should be viewed only as a measure of last resort, and:

- should only be used as a form of partial compensation for damaging development when all other alternatives to protect the habitat have been exhausted;
- should not be viewed as a benefit and will not make a proposed development on ancient woodland more palatable.

The Standing Advice states emphatically that:

“An ancient woodland ecosystem cannot be moved.”

and

“It is not possible to replicate the same conditions at another site; it will no longer be ancient woodland.”

The reason an ancient woodland ecosystem cannot be moved is because it has developed at this site over

hundreds, sometimes thousands of years. The soil composition and structure, varied topography, range of micro-habitats, species assemblages, and mycorrhiza fungi associations with tree roots, cannot be moved intact.

The Joint Nature Conservation Committee’s (JNCC) guidance on translocation²⁹ remains the most up-to-date detailed advice. It states:

“Habitats translocation has been proposed as a means of saving wildlife from areas threatened by development. These translocations have been portrayed by some as a means of reducing the impact of developments (mitigation), whereas in reality they can only partly make amends for developments (as incomplete compensation).”

A comprehensive review of the limited evidence available on translocation was published by the Woodland Trust in 2013³⁰.

Where translocation is considered, a monitoring period of at least 50 years will be required, along with alternative plans to ensure the stated benefits will be achieved if the translocation fails. Furthermore, the new site should be identified as an ‘ancient woodland translocation site’ in the LPA’s Local Plan, and properly protected from future development.



Every ancient wood is the unique product of its location, geology, soils, climate and history – conditions that cannot be re-created elsewhere

Jill Donnachie/WTML

26 Lonsdale, D. (2013). *Ancient and other veteran trees: further guidance on management*. Available from: ancienttreeforum.co.uk/wp-content/uploads/2015/02/ATF_book.pdf

27 The Woodland Trust. (2005). *Ancient tree guide 1: Trees and farming*. Available at: www.woodlandtrust.org.uk/publications/2005/01/ancient-tree-guide-1/

28 Natural England. (2016). *Review of the High Speed 2 ‘no net loss in biodiversity’ metric*. Available at: www.gov.uk/government/publications/review-of-hs2-ltds-no-net-loss-in-biodiversity-metric

29 JNCC. (2003). *A Habitats Translocation Plan for Britain*. Available at: jncc.defra.gov.uk/pdf/habitats_policy.pdf

30 Ryan, L. (2013). *Translocation and Ancient Woodland*. Available at: www.woodlandtrust.org.uk/mediafile/100115770/Translocation-and-Ancient-Woodland.pdf

Compensation for loss of veteran trees

It is not possible to replace the characteristics and inherent value of veteran trees with new planting.

However, to help compensate for loss, young trees of the same species as the lost veterans should be planted.

To conserve genetic characteristics, consideration should be given to taking seeds and/or scions (cuttings for grafts) of the original tree.

Replacement trees must be located sufficiently close to the lost trees to provide some ecological connection with other veterans nearby, but not to the detriment of those veterans or other habitats.

If felled or removed, the intact hulk of a veteran tree should be relocated in an upright state in close proximity to a

nearby veteran tree, woodland or parkland area. This will give opportunity for those invertebrates and fungi resident within the tree to relocate.

On the topic of individual tree planting, Section 197 of the 1990 Planning Act requires planning authorities to include appropriate provision for planting of trees when granting planning permission:

"It shall be the duty of the local planning authority — (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees".



Ancient willow pollard, Hemingford.

Richard Barnes

Providing adequate evidence to support planning proposals

Case study

Appeal decision notes inadequacy of information submitted with the original application

Northside Copse (Lake House), Fernhurst, Kent

Decision date: 24 July 2013

Appeal reference: APP/Y9507/A/12/2173809

In this appeal, the Inspector criticised the appellants for not engaging with Natural England on their contention that the site was wrongly included on the Revised AWI. She agreed that, by the appellant not making any attempt to provide further information to Natural England in respect of disputing the inclusion of part of their land on the Revised AWI but instead relying on commissioning substantial new evidence as part of the appeal, the South Downs National Park Authority incurred unnecessary additional expense in the appeal process as a consequence which would not have been incurred if the evidence had been made available at the application stage.

"A fair inference to draw from the Appellants' handling of this case is that a tactical decision is likely (although not necessarily) to have been taken to avoid any engagement with Natural England so that the Appellants could state their case on Ancient Woodland status at the latest possible stage and give the Authority as little time as possible to respond to it. If that was not the intention, it was certainly the effect. This was not reasonable given the complexity of the issues involved."

Preparation and submission of supporting ecological evidence

It is important to submit adequate information with a planning application. This should be supported by work undertaken in accordance with professional good practice to enable the planning authority to determine the application lawfully.

Therefore, in addition to following good practice on gathering evidence on the status of ancient woodland and veteran trees, planning applications likely to affect them should be prepared and implemented in accordance with with British Standard publications:

- BS 5837:2012 *Trees in relation to design, demolition and construction - recommendations*¹⁹
- BS 42020:2013 *Biodiversity. Code of practice for planning and development*³¹ (particularly Clauses 4, 5, 6, 10 and 11)

And from the Chartered Institute of Ecology and Environmental Management (CIEEM):

- *Guidelines for Ecological Report Writing*³²
- *Guidelines for Ecological Impact Assessment in the UK and Ireland*²³
- *Guidelines for Accessing and Using Biodiversity Data*³³

NOTE: Information supporting a planning application should be in the form of a full Ecological Impact Assessment (EiA). Preliminary Ecological Appraisals (PEAs)³⁴ are not sufficient to inform the determination of a planning application (other than under the exceptional circumstances set out in CIEEM's guidelines).

Adherence to published good practice will help ensure that applications contain adequate information and are not delayed through the validation and registration process, nor delayed or even refused at the determination stage.

In addition to the references in the footnotes below, the Woodland Trust can provide further details and technical advice on the recommended policy, and the principles and good practice set out in this document. If you require assistance, please email GovernmentAffairs@woodlandtrust.org.uk or phone **0330 333 3300**.

31 British Standard. (2013). BS 42020:2013 *Biodiversity. Code of practice for planning and development*. Available at: shop.bsigroup.com/ProductDetail/?pid=00000000030258704

32 CIEEM. (2015). *Guidelines for Ecological Report Writing*. Available at: www.cieem.net/guidelines-for-ecological-report-writing

33 CIEEM. (2016). *Guidelines for Accessing and Using Biodiversity Data*. Available at: www.cieem.net/data/files/Publications/Guidelines_for_Accessing_and_Using_Biodiversity_Data.pdf

34 CIEEM. (2013). *Guidelines for Preliminary Ecological Appraisal*. Available at: www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/GPEA/GPEA_April_2013.pdf



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